

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-163-C - ORDER NO. 92-631
JULY 30, 1992

IN RE:	Petition of Certain South Carolina)	ORDER RULING
	Local Exchange Telephone Companies)	ON MOTION TO
	for Approval of an Expanded Area)	DISMISS
	Calling Plan.)	

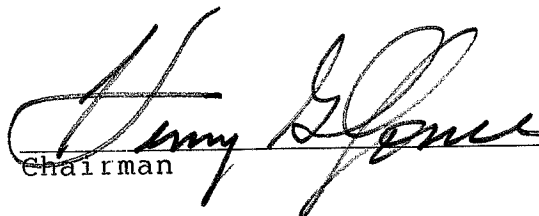
This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion to Dismiss filed on behalf of the South Carolina Public Communications Association (SCPCA). SCPCA makes this motion pursuant to R.103-840 and other applicable rules and regulations of the Rules of Practice and Procedure of the Commission and Rule 37, South Carolina Rules of Civil Procedure.

In support of its Motion, SCPCA makes several allegations. SCPCA states that the plan, as filed, violates S.C. Code Ann., §§58-9-520, 58-9-540(D) and 58-9-570 (1976), as amended. In summary, SCPCA states that the Petitioners have failed to provide the Commission with a thirty (30) day notice of its intention to file a rate increase under §58-9-520; that the plan constitutes a rate increase and therefore at least two of the participating local exchange companies (LECs) run afoul of the twelve month restriction of §58-9-540(D); and the plan, as filed, does not comply with the requirements of §58-9-570.

The Commission has considered the Motion to Dismiss filed on behalf of SCPCA and finds that the Petition filed in the instant Docket by the participating LEC's does not, on its face, conclusively indicate to the Commission that the request of the participating LECs amounts to a rate increase under the Code sections alleged by the SCPCA. Therefore, the Commission will, at this time, deny the Motion to Dismiss but grant the SCPCA leave to raise the issue at a later date when more information is available to it and to the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)